

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	March 28, 2016; 2:43 PM; [REDACTED]
Date/Time of COPA Notification:	April 19, 2016; 5:28 PM
Involved Officer #1:	[REDACTED] # [REDACTED] Employee # [REDACTED] Date of Appointment: [REDACTED], 2012; Police Officer; Unit of Assignment [REDACTED] – Detail [REDACTED] DOB [REDACTED], 1984; Male, Hispanic
Involved Officer #2:	[REDACTED] # [REDACTED] Employee # [REDACTED] Date of Appointment: [REDACTED], 2012; Police Officer; Unit of Assignment [REDACTED] – Detail [REDACTED] DOB [REDACTED], 1980; Male, White
Involved Officer #3:	Unknown
Involved Individual #1:	[REDACTED] DOB [REDACTED], 1979; Male, Black
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	<p>1. Stopped [REDACTED] without justification, in violation of Rule 2</p> <p>2. Handcuffed [REDACTED] without justification, in violation of Rule 2</p> <p>3. Pushed three fingers into [REDACTED] neck without justification, in violation of Rule 2 and Rule 8.</p> <p>4. Stated words to the effect of, “Shut the fuck up, you are going to fucking jail,” in violation of Rule 2 and Rule 9.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Not Sustained</p>

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

	5. Stated words to the effect of, "You need to go the dentist. I'll fuck you up the ass," in violation of Rules 2 and 9.	Not Sustained
Officer [REDACTED]	1. Stopped [REDACTED] without justification, in violation of Rule 2 2. Handcuffed [REDACTED] without justification, in violation of Rule 2 3. Pushed three fingers into [REDACTED] neck without justification, in violation of Rule 2 and Rule 8. 4. Stated words to the effect of, "Shut the fuck up, you are going to fucking jail," in violation of Rule 2 and Rule 9. 5. Stated words to the effect of, "You need to go the dentist. I'll fuck you up the ass," in violation of Rules 2 and 9.	Unfounded Unfounded Unfounded Not Sustained Not Sustained
Unknown Officer	1. Intentionally spat on [REDACTED] face, in violation of Rules 2 and 8.	Not Sustained

II. SUMMARY OF EVIDENCE²

COPA reviewed all relevant reports including the arrest reports, original incident case report, supplementary report, officer battery report and the tactical response report. Additionally, video footage was recovered from POD 7253 ([REDACTED] Street) and POD 1147 ([REDACTED] [REDACTED]) however they do not depict any interaction between [REDACTED] and the accused officers. COPA conducted an interview with [REDACTED] and attempted to interview possible witnesses [REDACTED] [REDACTED] and [REDACTED] however attempts to interview were unsuccessful.

In sum, the complainant, [REDACTED] alleged that on March 28, 2016, he was arrested without justification, handcuffed too tightly, one of the officers pushed three fingers into his neck and caused [REDACTED] to have trouble breathing, officers made multiple inappropriate comments toward [REDACTED] and arrested him for possession of marijuana despite his claim he did not possess any contraband.

Department reports indicate that on March 28, 2016 at approximately 2:43 pm, in an area known for narcotics sales, Officers [REDACTED] and [REDACTED] observed complainant [REDACTED] give money

² COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals.

to co-arrestee [REDACTED] Officers [REDACTED] and [REDACTED] approached the two men who then looked in the officer's direction and broke contact with one another. As the officers approached, [REDACTED] was observed manipulating an item in his waist band. Based on training and experience the officers believed they were observing a narcotics transaction and detained both men. [REDACTED] related to Officer [REDACTED] that he had a few bags of weed.

[REDACTED] then handed Officer [REDACTED] a bag containing twenty-eight (28) zip lock bags containing suspect marijuana he retrieved from his waist. As Officer [REDACTED] approached [REDACTED] became irate yelling and threatened to fight the officer. Reports indicate that [REDACTED] refused to show his hands, concealed them in his pockets and in a satchel that was slung around his front torso. Officer [REDACTED] used control holds and pain compliance to control [REDACTED] Officer [REDACTED] completed a pat down of [REDACTED] and his bag where he recovered two kitchen knives. Officer [REDACTED] reported that during the pat down, [REDACTED] swung his head towards Officer [REDACTED] Both men were arrested.

[REDACTED] provided COPA with video footage that he obtained from his friend, [REDACTED] [REDACTED] The video depicted two white, male officers in civilian clothing, standing outside of an unmarked police vehicle. [REDACTED] can be heard yelling obscenities while seated inside the unmarked police vehicle with the passenger side doors open. The video does not show any physical contact between [REDACTED] and the accused officers. The accused officers are not heard using profanities during their contact with [REDACTED]

ANALYSIS AND CONCLUSION

Allegations #1 – 3 against Officer [REDACTED] and Officer [REDACTED] are Unfounded.

Allegations #4 & 5 against Officer [REDACTED] and Officer [REDACTED] are Not Sustained.

Allegation #1 against an unidentified officer is Not Sustained.

[REDACTED] alleged that that the accused officers stopped him and handcuffed him without justification. Officers [REDACTED] and [REDACTED] reported that they observed [REDACTED] and [REDACTED] engaged in what they believed to be a hand to hand transaction. The officer had reasonable articulable suspicion a crime was occurring and therefore detained both [REDACTED] and [REDACTED] then volunteered that he was in possession of marijuana and gave Officer [REDACTED] a bag with 28 individually packaged bags of marijuana. Based on that recovery, the officers had probable cause to arrest both [REDACTED] and [REDACTED] Therefore, the handcuffing was justified. COPA finds that allegations #1 and #2 against Officers [REDACTED] and [REDACTED] are **Unfounded**.

It is alleged that the accused Officer [REDACTED] pushed three fingers in [REDACTED] neck causing [REDACTED] to have trouble breathing. Officer [REDACTED] denied committing the act alleged against him but stated that he pushed three fingers into [REDACTED] trapezius, an area near the back of the spine. Officer [REDACTED] offered that he did so as a pain compliance technique he learned in the academy to control subjects who are resisting. According to department reports [REDACTED] resisted the officer's commands and refused to show his hands. Officer [REDACTED] TRR documents his use of the pressure

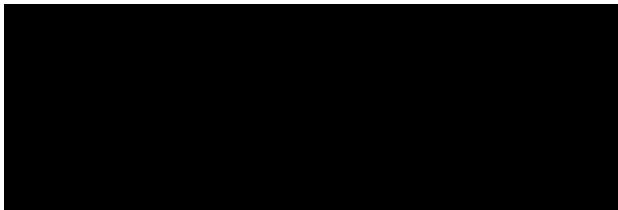
compliance. COPA finds the officers credible that [REDACTED] resisted verbal commands, therefore allegation #3 against Officer [REDACTED] is **Unfounded**.

COPA finds that allegation #3 against Officer [REDACTED] is **Unfounded**. COPA determined that Officer [REDACTED] not [REDACTED] used the pressure tactic.

[REDACTED] alleged that the officers stated words to the effect of, "Shut the fuck up, you are going to fucking jail" and "You need to go to the dentist. I'll fuck you up the ass." There are no witnesses and no physical evidence to support [REDACTED] allegations. Officers [REDACTED] and [REDACTED] denied committing the actions alleged against them. There is insufficient evidence to prove or disprove the allegation. Based on the available evidence, COPA finds that allegations #4 and 5 are **Not Sustained**.

[REDACTED] alleged that an unidentified uniformed sergeant intentionally spat on his face. Attempts to identify the accused sergeant with the available information obtained from [REDACTED] were unsuccessful. There was insufficient evidence to prove or disprove the allegation. Based on the available evidence, COPA finds that allegation #1 is **Not Sustained**.

Approved:

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March 1, 2019

Date

Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

Squad#:	4
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	[REDACTED]